

SENATE BILL NO. 118

INTRODUCED BY J. COBB

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE JUNE 30, 2007, TERMINATION DATE FOR THE HOSPITAL FACILITY UTILIZATION FEE; SETTING NEW FEE PROVISIONS; UPDATING A DEFINITIONAL CITE; AMENDING SECTIONS 15-66-101, 15-66-102, AND 15-66-201, MCA; REPEALING SECTION 20, CHAPTER 390, LAWS OF 2003, AND SECTIONS 4 AND 7, CHAPTER 606, LAWS OF 2005; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 15-66-101, MCA, is amended to read:

"15-66-101. (Temporary) Definitions. For purposes of this chapter, the following definitions apply:

(1) (a) "Hospital" means a facility licensed as a hospital pursuant to Title 50, chapter 5, and includes a critical access hospital.

(b) The term does not include Montana state hospital.

(2) (a) "Inpatient bed day" means a day of inpatient care provided to a patient in a hospital. A day begins at midnight and ends 24 hours later. A part of a day, including the day of admission, counts as a full day. The day of discharge or death is not counted as a day. If admission and discharge or death occur on the same day, the day is considered a day of admission and is counted as one inpatient bed day. Inpatient bed days include all inpatient hospital benefit days as defined for medicare reporting purposes in section ~~246~~ 20.1 of chapter 3 of the centers for medicare and medicare and medicare services publication ~~40~~ 100-02, the Hospital Medicare Benefit Policy Manual. Inpatient bed days also include all nursery days during which a newborn infant receives care in a nursery.

(b) The term does not include observation days or days of care in a swing bed, as defined in 50-5-101.

(3) "Patient" means an individual obtaining skilled medical and nursing services in a hospital. The term includes newborn infants.

(4) "Report" means the report of inpatient bed days required in 15-66-201.

(5) "Utilization fee" or "fee" means the fee required to be paid for each inpatient bed day, as provided in 15-66-102. (Void on occurrence of contingency--sec. 18, Ch. 390, L. 2003. ~~Terminates June 30, 2007--secs.~~

1 ~~4, 7, Ch. 606, L. 2005-)~~"

2
3 **Section 2.** Section 15-66-102, MCA, is amended to read:

4 **"15-66-102. (Temporary) Utilization fee for inpatient bed days.** (1) Each hospital in the state shall
5 pay to the department a utilization fee:

6 (a) in the amount of ~~\$19.43~~ \$27.70 for each inpatient bed day between January 1, ~~2004~~ 2006, and June
7 30, ~~2005~~ 2007;

8 (b) in the amount of ~~\$29.75~~ \$47 for each inpatient bed day between July 1, ~~2005~~ 2007, and December
9 31, ~~2005~~ 2007;

10 (c) in the amount of ~~\$27.70~~ \$43 for each inpatient bed day between January 1, ~~2006~~ 2008, and
11 December 31, ~~2006~~ 2008;

12 (d) in the amount of \$48 for each inpatient bed day between January 1, 2009, and December 31, 2009;

13 and

14 ~~(d)(e) after beginning January 1, 2007 2010, in an amount determined by rule as provided in subsection~~
15 ~~(2) in the amount of \$50 for each inpatient bed day.~~

16 ~~(2) Prior to each calendar year that will be subject to the fee, the department by rule shall determine the~~
17 ~~amount of the fee, not to exceed \$50, based upon:~~

18 ~~—— (a) an estimate of the unpaid medicaid hospital costs, total inpatient days, and the federal medical~~
19 ~~assistance percentages;~~

20 ~~—— (b) an estimate of any federal limit on federal financial participation for hospital services; and~~

21 ~~—— (c) an estimate of federal disproportionate share funds not matched by state general funds.~~

22 ~~(3)(2) (a)~~ All proceeds from the collection of utilization fees, including penalties and interest, must be
23 deposited to the credit of the department of public health and human services in a state special revenue account
24 as provided in 53-6-149.

25 ~~(b) A hospital may not place a fee created in this chapter on a patient's bill. (Void on occurrence of~~
26 ~~contingency--sec. 18, Ch. 390, L. 2003. Terminates June 30, 2007--secs. 4, 7, Ch. 606, L. 2005-)~~"

27
28 **Section 3.** Section 15-66-201, MCA, is amended to read:

29 **"15-66-201. (Temporary) Reporting and collection of fee.** ~~(1) On or before January 31, 2006, a~~
30 ~~hospital shall file with the department an annual report of the number of inpatient bed days in the hospital during~~

1 each of the 6-month periods beginning January 1, 2005, and ending June 30, 2005, and beginning July 1, 2005,
2 and ending December 31, 2005. The report must be in the form prescribed by the department. The report must
3 be accompanied by a payment in an amount equal to the appropriate fee required to be paid under 15-66-102.

4 (2) (a) (1) Except as provided in subsection (1), on On or before January 31 of each year, a hospital shall
5 file with the department an annual report of the number of inpatient bed days during the preceding year beginning
6 January 1 and ending December 31. The report must be in the form prescribed by the department. The report
7 must be accompanied by a payment in an amount equal to the fee required to be paid under 15-66-102.

8 (b) (2) On or before January 31 of each year, the department of public health and human services shall
9 provide the department with a list of hospitals licensed and operating in the state during the preceding year
10 beginning January 1 and ending December 31. (Void on occurrence of contingency--sec. 18, Ch. 390, L. 2003.

11 ~~Terminates June 30, 2007--secs. 4, 7, Ch. 606, L. 2005.)"~~

12
13 NEW SECTION. Section 4. Repealer. Section 20, Chapter 390, Laws of 2003, and sections 4 and 7,
14 Chapter 606, Laws of 2005, are repealed.

15
16 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

17 - END -

Sponsor, etc.	Last Name/Organization	First Name Mi
Requester	Cobb	John
Drafter	Heiman	Lee
Primary Sponsor	Cobb	John

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
State Finance (see also: Appropriations; Taxation Subjects)		Simple	STF
Health Care Services (see also: Health)		Simple	HLTC

Additional Bill Information

Probable Fiscal Note: Yes

Preintroduction Required: N

Session Law Ch. Number:

DEADLINE

Category: Revenue Bills

Transmittal Date: 04/03/2007

Return (with 2nd house amendments) Date: 04/18/2007

Section Effective Dates

No Records returned